

CHARLES GILBERT OWNBY,

Plaintiff,

v.

JOSE CARLOS MARIO AVILES,

Defendant.

Pending before the Court is the Motion in Limine [# 30]. Defendant moves to have the Requests for Admissions served on Plaintiff deemed admitted. The Federal Rules of Civil Procedure provide that a matter is admitted unless the party served with the requests for admissions serves on the requesting party a written answer or objection. Fed. R. Civ. P. 36(a)(3). Defendant served his First Request for Admissions on Plaintiff on May 5, 2014. Defendant contends that Plaintiff has yet to respond to these requests. Discovery, however, closed in this case on April 1, 2014. Because discovery had long closed prior to Defendant even serving his First Request for Admissions on Plaintiff, Plaintiff had no obligation to respond, and Defendant may not seek to have any of the requests admitted. Accordingly, the Court **DENIES** the motion [# 30].

Signed: August 6, 2014

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

